

U.S. Serial No. 10/700,483
Docket No. NEC03P166-US-KSe
WAK.119

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Akio Aoyama

Serial No.: 10/700,483

Group Art Unit: 2617

Filing Date: November 5, 2003

Examiner: Fred A. Casca

For: METHOD OF COLLECTING INFORMATION IN MOBILE COMMUNICATION
SYSTEM

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Under the provisions of 37 CFR §1.97 through §1.98 and pursuant to applicants' duty of disclosure under 37 CFR §1.56, applicants respectfully bring the following documents cited in the Japanese Office Action dated November 8, 2011 in a counterpart foreign application and listed on the attached form PTO-1449, to the attention of the Examiner in charge of the above-identified application. Copies of the listed documents are provided herewith for the convenience of the Examiner. Further, an English language translation of the Office Action is attached. Further, an English abstract is attached to the reference.

In compliance with the requirements of 37 CFR §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of portions of an official action by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the reference, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made, the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

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I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

This citation does not constitute an admission that the references are relevant or material to the claims. They are only cited as constituting related art of which the applicant is aware.

Submitted herewith is an IDS fee of \$180.00.

It is respectfully requested that the listed references be considered by the Examiner and formally made of record in this application.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,

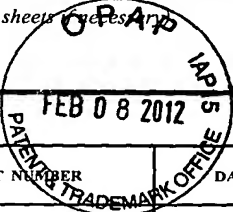


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INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				Docket Number (Optional) NEC03P166-US-KSe		Application Number 10/700,483		
				Applicant(s) Akio Aoyama				
				Filing Date November 5, 2003		Group Art Unit 2617		
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
U.S. PATENT APPLICATION PUBLICATIONS								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES NO	
		2002-271833 (A)	09/20/2002	Japan			ABS	
		2002-232344	08/16/2002	Japan (previously submitted)			ABS	
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
		Japanese Office Action dated November 8, 2011 (with a partial English translation).						
EXAMINER				DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								

Remarks (please see the List of Cited References for Cited References)

- Regarding Claims 1 to 3: Cited References 1 and 2

Cited Reference 1 discloses the invention wherein parameters other than time, location and communication are acquired when a communication error occurs at a point where it is no service zone or the state of radio waves is poor, and transmission is done when a sending is completed. Further, it is known technologies that handover is initiated when a mobile device enters a point where it is no service zone or the state of radio waves is poor, and thus a normal communication cannot be maintained, and that a handover failure occurs when handover is initiated at a point where it is no service zone or the state of radio waves is poor, but there is no a base station used as a handover destination.

In this regard, with reference to the descriptions in Cited Reference 2 such as “if a desired reward is provided for an information supplier as a reply to an information service, an incentive for serviced information is raised, and information can be more effectively collected (Paragraph [0046]) and “if only information is collected by an user, there may be a case such as that multiple correspondences are obtained for one region, but any correspondence is not obtained for another region (Paragraph [0050]), it is recognized that Cited Reference 2 discloses that an information collection is authorized by a user, and an incentive which promotes the information collection by the user is provided. Thus, the measurement of information on the state of radio waves and the determination of transmission is selected by a user, and information on the state of radio waves is measured and transmission is done when these actions are selected by the user.

Therefore, regarding the invention disclosed in Cited Reference 1, it is recognized that adding the constitutions that the occurrence of communication error is determined by a handover failure at a point where it is no service zone or the state of radio waves is poor and that information on the state of radio waves is measured and transmission is done when these actions are selected by the user, could easily have been invented by a person skilled in the art

Please note that a new ground for rejection will be notified, if another ground for rejection is founded.

List of Cited References

1. JP Patent Application Publication No. 2002-271833
2. JP Patent Application Publication No. 2002-232344

拒絶理由通知書

整理番号 335D0172
発送番号 763940
発送日 平成23年11月 8日

拒絶理由通知書

特許出願の番号 特願2011-112615
起案日 平成23年11月 4日
特許庁審査官 佐藤 聡史 8943 5W00
特許出願人代理人 宮崎 昭夫 (外 2名) 様
適用条文 第29条第2項

<<<< 最 後 >>>>

この出願は、次の理由によって拒絶をすべきものです。これについて意見がありましたら、この通知書の発送の日から60日以内に意見書を提出してください。

理 由

この出願の下記の請求項に係る発明は、その出願前に日本国内又は外国において、頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

請求項1乃至3について 引用文献1及び2

引用文献1には、サービスエリア圏外あるいは電波事情の悪い地点で通信異常となった場合、時間、場所、通信以上の要因を取得し、発信に成功したときに送信する発明が記載されている。

そして、移動機がサービスエリア圏外あるいは電波事情の悪い地点に進入した場合に正常な通信の維持ができないことからハンドオーバー動作を開始すること、及び、サービスエリア圏外あるいは電波事情の悪い地点でハンドオーバー動作を実施しても、ハンドオーバー先となる基地局が発見できずにハンドオーバーが失敗することは技術常識である。

また、引用文献2の段落【0046】の「情報提供者に対して情報提供の見返りとして所定の報酬を付与すれば、情報提供に対するインセンティブが高まり、より効率的に情報収集ができる。」や同【0050】の「情報収集を完全にユーザ任せにすると、あるエリアについては多数の対応関係が得られているが、あるエリアについては全く得られていないという状況も生じる。」などの記載を参酌すると、引用文献2に記載されたものは、情報収集の可否をユーザに任せ、ユーザが情報収集を可能するようにインセンティブを与えることが記載されていると認められることから、電波状態情報の測定・送信の実行を可能とするか不可能とするかをユーザが選択する構成となっており、電波状態情報の測定・送信の実行を可能とユーザにより選択された場合に電波状態情報の測定・送信が行われる構成となっているものと認められる。

このため、引用文献1記載の発明において、サービスエリア圏外あるいは電波事情の悪い地点で通信異常となったか否かをハンドオーバーの失敗で判断すること、及び、電波状態情報の測定・送信の実行を可能とユーザにより選択された場合に電波状態情報の測定・送信が行われるように構成することは、当業者であれば容易になし得ると認められる。

拒絶の理由が新たに発見された場合には拒絶の理由が通知される。

引用文献等一覧

1. 特開2002-271833号公報
2. 特開2002-232344号公報

最後の拒絶理由通知とする理由

この拒絶理由通知は、最初の拒絶理由通知に対する応答時の補正によって通知することが必要になった拒絶理由のみを通知するものである。